

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 133 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.A.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
- @

PATIDAR OIL CAKE INDUSTRIES

Versus

COMMISSIONER OF INCOME-TAX

Appearance:

1. INCOME TAX REFERENCE No. 133 of 1987
MR RK PATEL for Petitioner No. 1
NR BB NAIK for MR RP BHATT for Respondent No. 1
-

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 27/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

At the instance of the applicant-assessee, the following question of law has been referred to this court for its opinion by the Income Tax Appellate Tribunal, Ahmedabad Bench 'C' under the provisions of sec. 256(1) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

"Whether, on the facts and in the circumstances of the case the provisions of sec. 40(b) of the I.T. Act 1961 were rightly applied in the assessee's case?

2. Learned advocate Shri R.K. Patel has appeared for the applicant and learned advocate Shri B.B. Naik has appeared for the respondent-revenue.

3. Our attention has been drawn to the judgment delivered by this court in I.T.R. No. 22/86 dated 19th July 2001 wherein a similar question of law had been referred to this court.

4. Looking to the law laid down by this court in the said judgment, we answer the question referred to us in the affirmative i.e. against the assessee and in favour of the revenue.

The reference thus stands disposed of with no order as to costs.

(A.R. Dave, J.)

(D.A. Mehta, J.)

(hn)